

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 00-3022

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Ahmed El Balguiti,	*	
	*	
Petitioner,	*	On Petition for Review from
	*	Immigration and Naturalization
v.	*	Service.
	*	
Immigration and Naturalization	*	[UNPUBLISHED]
Service,	*	
	*	
Respondent.	*	

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Submitted: April 12, 2001

Filed: April 18, 2001

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Before BOWMAN and FAGG, Circuit Judges, and VIETOR,\* District Judge.

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PER CURIAM.

Ahmed El Balguiti, a citizen of Morocco, entered the United States in 1981. Two years later, in 1983, the Immigration and Naturalization Service (INS) issued Balguiti an order to show cause charging him with deportability. Seeking to extend his stay, Balguiti applied for asylum and withholding of deportation. After an Immigration Judge denied his requests, Balguiti filed a petition for review. We denied his petition

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\*The Honorable Harold D. Vietor, United States District Judge for the Southern District of Iowa, sitting by designation.

in September 1993. Balguiti moved to reopen, asking permission to apply for suspension of deportation under 8 U.S.C. § 1254(a)(1) (1994) based on his physical presence in the United States for more than seven years. The Board of Immigration Appeals denied the motion in July 2000, holding Balguiti is ineligible based on changes made by the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996. In his petition for review, Balguiti argues the Act's changes, which stop the counting for continuous physical presence after the alien is served with an order to show cause, are not retroactive, and even if they were, the Board failed to consider whether another period of continuous physical presence could accrue. Balguiti's arguments are foreclosed by our recent decision in Afolayan v. I.N.S., 219 F.3d 784, 788-89 (8th Cir. 2000). See also Escudero-Corona v. I.N.S., No. 99-1012, 2001 WL 277743, at \*4-5 (8th Cir. Mar. 22, 2001). We thus deny Balguiti's petition for review.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.